

NO. 62689

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office DEC 23 1996 NEW PRIORITY DATE: MAY 16 2000

Returned to applicant for correction _____

Corrected application filed _____

Map filed APR 3, 1989 under 53015

The applicant Getchell Gold Inc., hereby makes application for permission to change the Point of diversion, manner and place of use of a portion of water heretofore appropriated under Permit 53030 (Summer Camp Pit Sump)

1. The source of water is underground
2. The amount of water to be changed 0.72 CFS; 169.852 MGA
3. The water to be used for mining, milling and dewatering
4. The water heretofore permitted for mining and milling (including dewatering of the pit)
5. The water is to be diverted at the following point within SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 33, T39N, R42E, MDM at a point from which the SW corner of said section 33 bears S 69° 13' 03" W, 2261.13 feet distant, from a pit perimeter well known as PW-5A.
6. The existing permitted point of diversion is located within SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 9, T38N, R42E, MDM at a point from which the south quarter corner of said section 9, T38N, R42E, MDM bears S 00° 32' E, a distance of 862 feet.
7. Proposed place of use within sections 21, 22, 23, 26, 27, 28, 29, 32, 33, and 34 in T39N, R42E, MDM; and sections 3, 4, 9, and 10 in T38N, R42E, MDM.
8. Existing place of use E $\frac{1}{2}$ of section 9, T38N, R42E, MDM
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from January 1 to December 31 of each year.
11. Description of proposed works well, pump and pipelines
12. Estimated cost of works \$150,000
13. Estimated time required to construct works 2 years
14. Estimated time required to complete the application of water to beneficial use 5 years

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15. Remarks: This water is to be pumped from a pit perimeter well, PW-5A. The pumpage will serve to dewater the Getchell Mine underground workings. The water will be used for miscellaneous mining purposes including milling, dust control, drilling, and mining. This application will replace temporary application number 61558T.

By s/Michael S. Smith
MICHAEL S. SMITH, AGENT
SAGE ENGINEERING
305 W. Moana Ln., Suite B2
Reno, NV 89509

Compared my/bk lw/cms

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, manner and place of use of a portion of the waters of an underground source as heretofore granted under Permit 53030 is issued subject to the terms and conditions imposed in said Permit 53030 and with the understanding that no other rights on the source will be affected by the change proposed herein.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.72 cubic foot per second, but not to exceed 169.852 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

February 30, 1999

Proof of completion of work shall be filed before:

March 30, 1999

Application of water to beneficial use shall be filed on or before:

February 30, 2000

Proof of the application of water to beneficial use shall be filed on or before:

March 30, 2000

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 7th day of May, A.D. 1998


State Engineer

Completion of work filed _____


Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

CANCELLED MAY 31 2000
BECAUSE OF FAILURE
OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

Abrogated By 45911 0.72


can be rescinded 6-19-00

A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. This source is located within an area designated by the State Engineer pursuant to NRS 534.030.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

This permit will allow the permittee to dewater the pit area and underground mining operations. It is understood that any water pumped as a result of this dewatering operation will be used first by the permittee for surface and underground mining, milling, leaching, drilling, road watering and other related mining uses hereinafter referred to as mining and milling uses within the described place of use of this permit.

The State Engineer retains the right to regulate pumping from the dewatering project and/or any other groundwater withdrawals herein authorized to protect the public interest and existing rights. Any water produced from this dewatering operation and not used for mining and milling purposes must be injected or infiltrated back to the Kelley Creek Groundwater Basin. Any injection or infiltration of water must have the necessary permits issued by the Nevada Division of Environmental Protection.

This permit does not extend the permittee the right of ingress and egress on public, private, or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection relating to the dewatering project.

The total combined duty of water under Permits 28758, Certificate 13803; 45731, Certificate 13806; 45732, Certificate 13807; 49815, Certificate 13809; 52476, Certificate 13817; 58406, 58408, 61546, 61601, 61602, 61603, 61604, 61605, 61686, 61688, 62686, 62687, 62688, 62689, 62839, 62840 and 63109 shall not exceed 1,034.0 (MGA) million gallons annually.

The total combined diversion rate under the above referenced permits and subsequent changes to these permits shall not exceed 15.6 (CFS) cubic feet per second (7,000 gallons per minute).

Monthly records will be kept of the following: the volume of water pumped from each well, the volume of water consumptively used for mining and milling uses projectwide, the amount of water discharged to infiltration or injection, and the water level (static or pumping) of each permitted well and monitoring wells HL-1, DM-3, MW-16, MW-17 and MW-18. These records will be submitted within 15 days after the end of each month. A method that estimates the amount of evaporative losses from the discharge system will be submitted with the monthly report. The evaporative losses will be considered as a part of the combined duty for consumptive purposes.

All flow measurements taken at those locations described in Covenant 2.3 (Flow Measurement) of the Water Resources Agreement between FirstMiss Gold, Inc. and LaVar Murdock, dba Adams Peak Properties dated February 27, 1996, shall be reported in the above monthly report.

All of the above stated conditions are issued subject to having no adverse impacts on existing rights.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

